

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:07CR470
)	
PLAINTIFF)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
JOHN H. ZIMMERMAN,)	MEMORANDUM OPINION
)	AND ORDER
DEFENDANTS.)	
)	

This matter is before the Court upon Magistrate Judge Gallas' Report and Recommendation that the Court ACCEPT Defendant John H. Zimmerman's ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Dkt. # 14).

On September 11, 2007, the government filed an information against Gary Weimer and John H. Zimmerman, alleging a conspiracy to commit mail fraud, in violation of 18 U.S.C. § 1341. (Dkt. #1). Defendant waived indictment in this matter. (Dkt. # 10). On September 14, 2007, this Court issued an order assigning this case to Magistrate Judge James S. Gallas for the purpose of receiving guilty pleas from the defendants. (Dkt. # 2).

On September 26, 2007, a hearing was held in which Defendant entered a plea of guilty to the information. Magistrate Judge Gallas received the Defendant's guilty

plea and issued a Report and Recommendation (“R&R”) recommending that this Court accept the plea and enter a finding of guilty. (Dkt. # 14).

Neither party objected to the Magistrate Judge’s R&R in the ten days after it was issued.

On *de novo* review of the record, the Magistrate Judge’s R&R is adopted. The Defendant was found to be competent to enter a plea. The Defendant understood his constitutional rights. He is aware of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds that the plea was entered knowingly, intelligently, and voluntarily. The Defendant’s plea of guilty is approved.

Therefore, the Defendant is adjudged guilty of conspiracy to commit mail fraud in violation of 18 U.S.C. § 1341. The sentencing will be held on January 10, 2008 at 10:00 a.m.

IT IS SO ORDERED.

/s/ Peter C. Economus - October 15, 2007

PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE